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P/3610-56 (4976-70)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Darren James MANSFIELD et al.

Date: January __, 2009

Serial No.: 10/524,345

Group Art Unit: 1625

Filed: February 11, 2005

Examiner: Binta M. Robinson

For: NOVEL 2-PYRIDYLETHYLBENZAMIDE DERIVATIVE

Commissioner for Patents

P.O. Box 1450

Washington, D.C. 22313-1450

DECLARATION OF Dr. Marie-Claire Grosjean

Sir:

I, Dr. Marie-Claire Grosjean – Cournoyer of Allée du Trêve Collonge, Curis au Mont

d'Or, France, declare,

1. I am a biologist having studied at the University Claude Bernard of Lyon (France)

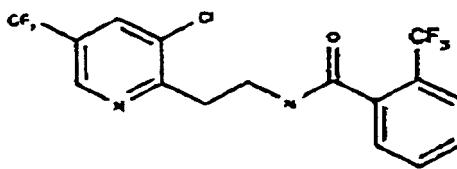
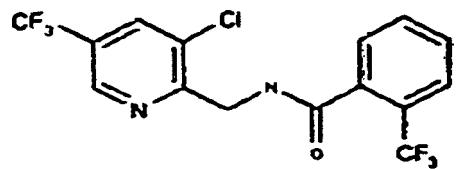
where I have received a PhD in microbiology in the year 1992; as a postdoc at Long Ashton Research Station in Bristol (UK), I have gathered experiences in Phytopathology. I entered the employ of BAYER CROPSCIENCE S.A. located at 14-20 rue Pierre Baizet, B.P. 9163, F-69263

Lyon Cedex 09, France. BAYER CROPSCIENCE S.A., in 1995, where I have been employed in the department of Biotechnology (6 years) and then in the department of Biology for the biological development of chemical compounds for plant diseases at Lyon, France.

BAYER CROPSCIENCE S.A. owns this application and its invention. I am the person authorized to make this declaration on behalf of BAYER CROPSCIENCE S.A.

2. This Declaration is based upon my personal knowledge and a review of the file, as maintained by BAYER CROPSCIENCE S.A., for the above-mentioned patent application.

3. In the responses to the Office Actions of September 19, 2007, and October 6, 2008, the following experimental data was submitted to show unexpected results. The experimental data shows unexpected results that demonstrate the benefits in terms of fungicidal activity of an ethylene group linking the pyridyl and benzamide moiety with each other, rather than a methylene group.

Compound		<i>Botrytis cinerea</i>	<i>Alternaria brassicae</i>
According to the invention		Good to very good activity (80-100%) at 330 ppm	Good to very good activity (80-100%) at 330 ppm
Compound 1 of U.S. 6,503,933 (Moloney et al.)		No activity at 330 ppm	No activity at 330 ppm

4. This finding would have been surprising to the person of ordinary skill in the art and would not have been rendered obvious by the cited reference.

I declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Title 18, United States Code, Section 1001,

and that any such willful false statements may jeopardize the validity of this declaration, the present application, and any patent resulting therefrom.

Lyon, January 15, 2008



SIGNATURE

Dr. Marie-Claire Grosjean

Group Leader Biology Fungicide